

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

SHIRLEY L. PHELPS-ROPER,)
)
Plaintiff,)
)
vs.) No. 4:07-CV-02098-SNL
)
KEVIN SCHROEDER AND)
JOHN D. RUPP,)
Defendants.)

CONSENT ORDER FOR INJUNCTION

And now, this 7th day of ~~March~~ ^{April}, 2008, it is hereby ORDERED, ADJUDGED, and
DECREED as follows:

1. It is the intent of the parties to enter into this consent judgment that will allow Plaintiff and members of her church to engage in peaceful protests or picketing in public *fora* without violating Mo. Rev. Stat. §§ 578.501 or 578.502 (2006), and allow Defendants to enforce said statutes, by agreeing in advance to definitions of terms of the statutes that are open to various interpretations, by clarifying the scope of the statutes, and by reaching an accord on the handling of any unintentional violation of the statutes.
2. Defendant Kevin Schroeder, in his official capacity as Sheriff of Washington County, and Defendant John D. Rupp, in his official capacity as Prosecuting Attorney for Washington County, and their employees, representatives, agents, servants, assigns, and successors, shall be enjoined from enforcing or attempting

to enforce Mo. Rev. Stat. §§ 578.501 and 578.502 in any manner that is not consistent with this consent judgment until further order of this Court.

3. The term “in front of or about” in Mo. Rev. Stat. § 578.501 shall refer to 300 feet directly in front of the location of a funeral or memorial service as measured from the primary entrance used by those members of the public attending the event.
4. Mo. Rev. Stat. §§ 578.501 and 578.502 will only be enforced during a funeral and one hour before and after the commencement of a funeral. The distances referenced in ¶ 3 shall apply only during this time period.
5. Defendants agree that if there is a perceived violation of Mo. Rev. Stat. §§ 578.501 or 578.502, whichever is currently in effect, any person believed to be in violation will be warned and given a reasonable opportunity to disperse before any arrest is made or citation is issued.
6. Upon request of Plaintiff, Defendants shall promptly designate an individual with the authority to advise, upon request, Plaintiff of (a) the location of the primary entrance referenced in ¶ 3; (b) the route of any procession referenced in ¶ 5; and (c) a public location at which a protest or picket may be held during the timeframe referenced in ¶ 4 without threat of or actual citation or arrest for violation of Mo. Rev. Stat. §§ 578.501 or 578.502.
7. This order is not to be construed as an admission of liability by Defendants.
8. Plaintiff agrees to waive any claim for attorneys fees pursuant to 42 U.S.C. §1988 as prevailing party for time expended in this case prior to entry of this order. Each party will bear his or her own costs heretofore expended in this case.

9. This Court shall retain jurisdiction of this matter and any party to this case may petition this Court to modify this order or enter permanent injunction after the resolution of any appeals following entry of final judgment in *Phelps-Roper v. Nixon*, et al., pending in the United States District Court for the Western District of Missouri, Central Division, No. 2:06-cv-04156-FJG.

IT IS SO ORDERED,


UNITED STATES DISTRICT JUDGE